

2. REMARKS / DISCUSSION OF ISSUES

Claims 1-12 are pending in the application. Claims 11 and 12 are new.

I. Interview

Applicants gratefully acknowledge the interview between the undersigned and Examiners Gramling and Payne of Art Unit 2875 on August 18, 2009. Claim 1 filed in the Rule 111 Response was discussed in view of U.S. Patent 6,404,131 (*Kawano, et al.*), and no agreement was reached.

II. Rejections under 35 U.S.C. § 102

Claims 1-10 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *Kawano, et al.* For at least the reasons set forth below, Applicants respectfully submit that all claims are patentable over the applied art.

Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *See, e.g., In re Paulsen*, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. *See, e.g., Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

i. Claim 1

Claim 1 recites:

A luminous body comprising:

a housing with a light emission surface and a plurality of light sources arranged in the housing, wherein the housing comprises: at least a first optical medium with a first optical scattering power, into which medium the light of the light sources is coupled; and a plurality of second optical medium elements with a second optical scattering power disposed in the housing, wherein each of the second optical medium elements comprises a plurality of particles, and each of the second medium elements is disposed over a respective one of the light sources.

In an embodiment described in the filed application, a second optical medium element 5 is disposed over a respective one of the light sources 2. Moreover, each of the second optical medium elements comprises a plurality of particles, for example as described in the filed application beginning at page 5, line 33:

“The light-scattering properties of the second optical media 5 may be achieved, for example, in that they comprise a dispersion of scattering particles, such as, for example, hollow globules with a refractive index different from that of the remaining material of the material 5.”

Thus, each second optical medium element 5 comprises a plurality of particles, and each optical medium element 5 is disposed over a respective light source 2. Applicants respectfully submit that the applied art fails to disclose at least this feature of claim 1. Rather, Fig. 7 of *Kawano, et al.*, which is relied upon in the Office Action, discloses a light emitting display 21 with LED lamps 2a **embedded in a resin** that is doped with a dispersing agent 12. There is no disclosure or suggestion in *Kawano, et al* of a **plurality of second optical medium elements** each comprising a **plurality of particles** or that **each of the second medium elements is disposed over a respective one of the light sources**. Accordingly the applied art fails to disclose at least one feature of claim 1.

For at least the reasons set forth above, Applicants respectfully submit that a prima facie case of anticipation cannot be established base on *Kawano, et al.* Therefore, claim 1 is patentable over *Kawano, et al.* Moreover, claims 2-12, which depend from

claim 1 immediately or ultimately, are patentable for at least the same reasons and in view of their additionally recited subject matter.

ii. General Comments on Rejections of Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicant believes that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicant does not, however, necessarily concur with the interpretation of any dependent claim as set forth in the Office Action, nor do Applicant concurs that the basis for the rejection of any dependent claim is proper. Therefore, Applicant reserves the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

Conclusion

In view the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:
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